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May 29, 2008

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**Filed via ECF**

Hon. Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl St., Room 1040  
New York, NY 10007

**Re: McKee v. New York State Division of Lottery,**  
**No. 08 Civ. 4251 (DLC/KNF) (S.D.N.Y.)**

Your Honor:

This Office represents defendant New York State Division of Lottery ("Defendant") in the above-referenced action. I am writing to notify the Court that counsel for plaintiff has consented to extend Defendant's time to answer, move, or otherwise respond to the class action complaint in this matter until at least June 11, 2008, and to request that the Court "so order" that such extension is granted. The original due date for Defendant's response was on or about May 27, 2008, assuming service was proper. This is Defendant's first request for an extension of time to respond to the complaint. Although plaintiff's counsel previously consented to this request (see e-mail from Craig Stuart Lanza, dated May 14, 2008), I was unable to reach him in order to submit a signed stipulation herewith. This extension is necessary so that the parties can negotiate issues relating to the proper forum for this proceeding.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Hilary R. Kastleman

Hilary R. Kastleman (HRK-3607)  
Assistant Attorney General  
State of New York

cc: Craig Stuart Lanza, Esq. (by email)

From: Craig Stuart Lanza <clanza@balestriere.net>  
To: <hilary.kastleman@oag.state.ny.us>  
Date: 5/14/2008 5:10 PM  
Subject: Extension

Hilary:

This is to confirm our discussion that we are willing to extend the time for Defendant to respond in McKee v. NY State Lotto until at least June 11. In addition, you indicated that you will get back to me by this upcoming Monday on the jurisdictional issues we discussed.

Thanks,

Craig

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